

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12523 of Charles W. Bowles, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to permit a new residential development and subdivision, and for variances from the floor area ratio (Sub-section 3302.1), lot occupancy (Sub-section 3303.1), rear yard (Sub-section 3304.1), and width of open court (Sub-section 3306.1) requirements to permit the construction of four single family dwellings in the R-5-A District at the premises 3801 First Street and 22, 24 and 26 Halley Place, S.E., (Square 6116, Lot 62).

HEARING DATE: December 21, 1977
DECISION DATE: January 4, 1978

FINDINGS OF FACT:

1. The subject property is located at 3801 First Street, 22, 24 and 26 Halley Place, S. E. and is in an R-5-A District.
2. The subject property is unimproved. The applicant seeks a special exception to permit a new residential development and a subdivision to permit the construction of two semi-detached dwellings and two row houses for single family use. One house will be facing First Street and the remaining three houses will be facing Halley Place. There will be one story difference between the front and the rear of the houses. The ground floor of each house will have a one car garage accessible through a driveway from Halley Place or First Street.
3. The subject site is bounded by Halley Place to the north, First Place to the east, a public alley to the west, and an apartment house (#3807 First Place) to the south.
4. The property has a sloping topography. The difference in the highest and lowest elevation of the property is approximately twenty feet. The highest point occurs in the vicinity of the intersection of Halley Place and the public alley. The lowest point occurs at the intersection of Halley Place and First Street.

5. There is no sidewalk on Halley Place at this time. The plans submitted (Exhibit 7) show that a six foot sidewalk will be provided beginning immediately from the curb. The driveways vary in slope from eight to twelve per cent.

6. The driveways at First Street and Halley Place are approximately eighteen feet and twenty feet from the intersection.

7. As to 3801 First Street, S. E., a semi-detached dwelling, the applicant will require an open court variance of three feet (fifty per cent). As to 22 Halley Place, S.E., a semi-detached dwelling, the applicant will require a rear yard variance of three feet (fifteen per cent) and an open court variance of three feet (fifty per cent), a lot occupancy variance of 4,536 square feet (6.38 per cent) and an F.A.R. variance of 564.03 square feet (35.34 per cent). As to 26 Halley Place, S.E., a row dwelling, the applicant will require an open court variance of three feet (fifty per cent) and an F.A.R. variance of 181.53 square feet (9.17 per cent).

8. The need for variances from the court width requirements (Sub-section 3306.1) arises from the proposed porch projection at the first floor in the rear of the houses. These porches are in scale with the house dimensions and provide convenience and liveability to the future owners.

9. A porch in the rear of 22 Halley Place, S. E. is located within the required rear yard of twenty feet, resulting in the need for a three foot variance from the rear yard requirements.

10. The need for a variance from the lot occupancy requirements (Sub-section 3303.1) and the F.A.R. requirements (Sub-section 3302.1) arises from the proposed size of the houses which includes a garage.

11. The shape of the subject property is triangular which contributes to the need for variances.

12. The neighborhood in which the subject property is located is developed with semi-detached single family houses and apartments for moderate income families. It is anticipated that the subject houses will sell in the low fifty thousand dollar bracket.

13. By letter of November 9, 1977, the application was referred to the Department of Transportation, the Board of Education and the Department of Housing and Community Development for their review and report. No reports from the Departments were received.

14. There was one letter, filed in the record, in opposition to the granting of the application.

15. The Municipal Planning Office, by report dated December 16, 1977, recommended approval of the application subject to the approval by the Department of Transportation of the location of driveways and sidewalks and the relationship of finished slopes with the alley and streets.

16. ANC-8D filed no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the proposed construction of two semi-detached dwellings and two row houses is in conformity with existing other uses in the neighborhood and in harmony with the general purpose and intent of the zoning regulations and map. The Board is also aware that the sale of the four units in fee simple will serve to stabilize the neighborhood and increase the opportunity for home ownership.

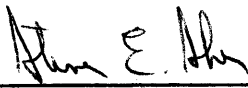
The requested variances are area variances, the granting of which requires a showing of a practical difficulty arising from the property itself. The shape of the subject property is unique and does create such a difficulty. The Board concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED subject to the DOT review and approval of access to the subject property.

VOTE: 5-0 (Walter B. Lewis, Chleothiel Woodward Smith, Charles B. Norris, Leonard L. McCants and William F. McIntosh to grant).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 8 FEB 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.